

# Notice of Allowability

Application No.

09/885,741

Examiner

Naeem Haq

Applicant(s)

MOSKOWITZ ET AL

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/27/2005.
2. ☒ The allowed claim(s) is/are 3-16, 19-26 and 29-37.
3. ☒ The drawings filed on 6/20/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to the Applicants' amendment filed January 27, 2005.

Claims 1, 2, 17, 18, 27 and 28 have been canceled. Claims 3-16, 19-26, and 29-37 are currently pending and will be considered for examination.

### ***Allowable Subject Matter***

Claims 3-16, 19-26, and 29-37 are allowed.

The following is an examiner's statement of reasons for allowance: Statement of allowance is in reference to independent claims 35-37. All other claims are dependent on these independent claims.

The present application is directed to a method, system, and computer program for evaluating a product. The Applicants' invention uses a product identification token (UPC, RFID, barcode, etc.) of a product to locate and retrieve a product evaluation form. The invention then uses the receipt identification token on a receipt corresponding to the product in order to pull purchase information from the receipt and enter it into the evaluation form. Independent claims 35-37 recite the patentably distinct feature of using two sources of data to retrieve and populate an evaluation form. These two sources of data are the product identification token and the receipt identification token.

Discussion of most relevant art:

- i) *US Patent 6,418,441 B1* to Call. Call teaches using a product code such as a UPC code of a product to retrieve information from the Internet. Call does not teach or suggest using the product code to retrieve a product evaluation form, or using a receipt identification token on a receipt corresponding to the product to pull purchase information from the receipt and enter it into a evaluation form.
- ii) *US Patent 4,993,714* to Golightly. Golightly teaches generating a lottery ticket from the UPC code on a customer's receipt. Golightly does not teach or suggest using the product code to retrieve a product evaluation form, or using a receipt identification token on a receipt corresponding to the product to pull purchase information from the receipt and enter it into a evaluation form.
- iii) "*Market Research by Scanner*", Business Week, May 5, 1980, Dialog File 15, Accession #: 00115405 hereinafter referred to as Dialog. Dialog teaches identifying a product by using a laser scanner to read a Universal Product Code (UPC) printed on the product. However, Dialog fails to teach or suggest using the UPC to retrieve a product evaluation form, or using a receipt identification token on a receipt corresponding to the product to pull purchase information from the receipt and enter it into a evaluation form.
- iv) "*Watch this space*" by Ken Clark, Chain Store Age, May 2001, Dialog File 15, Accession #: 02162210 hereinafter referred to as Clark. Clark teaches that a receipt carries a barcode (i.e. product identification token) used for tracking and returns. Clark fails to teach or suggest using the barcode of the product to locate and retrieve a product evaluation form.

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v) *German Patent DE 197 08 020 C1* to Günter Baitz et al. hereinafter referred to as Baitz. Baitz discloses a product data acquisition unit that a customer uses during shopping to read the bar code of various products selected for purchase. After the customer finishes shopping and returns the unit, the memory of the unit is read and information about the selected products is displayed to the customer. Baitz fails to teach or suggest using the product code to retrieve a product evaluation form, or using a receipt identification token on a receipt corresponding to the product to pull purchase information from the receipt and enter it into a evaluation form.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571)-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Naeem Haq**, Patent Examiner  
Art Unit 3625

April 28, 2005

  
**WILLIAM W. COGGINS**  
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TECHNOLOGY CENTER 3600